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**DEPARTMENT OF CORRECTIONS**

**EXECUTIVE BUDGET BILL**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF CORRECTIONS**

APPROPRIATION SUMMARY:

Average population .....	45,433
Full-time equated unclassified positions .....	21.0
Full-time equated classified positions .....	15,746.1
GROSS APPROPRIATION.....	\$ 1,958,394,900
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental	

1	transfers .....	891,900
2	ADJUSTED GROSS APPROPRIATION.....	\$ 1,957,503,000
3	Federal revenues:	
4	Total federal revenues.....	7,746,100
5	Special revenue funds:	
6	Total local revenues.....	432,700
7	Total private revenues.....	0
8	Total other state restricted revenues.....	50,924,600
9	State general fund/general purpose.....	\$ 1,898,399,600
10	<b>Sec. 102. EXECUTIVE</b>	
11	Full-time equated unclassified positions .....21.0	
12	Full-time equated classified positions .....12.0	
13	Unclassified positions--21.0 FTE positions.....	\$ 1,812,100
14	Executive direction--12.0 FTE positions.....	<u>2,188,900</u>
15	GROSS APPROPRIATION.....	\$ 4,001,000
16	Appropriated from:	
17	State general fund/general purpose.....	\$ 4,001,000
18	<b>Sec. 103. PLANNING AND COMMUNITY SUPPORT</b>	
19	Full-time equated classified positions .....73.0	
20	Planning and community development support--59.0	
21	FTE positions .....	\$ 6,090,500
22	Mental health awareness training.....	100,000
23	Prisoner reintegration programs.....	56,605,700
24	Substance abuse testing and treatment services--14.0	
25	FTE positions .....	19,191,500
26	Residential services.....	18,075,500
27	Community corrections comprehensive plans and services	12,758,000
28	Public education and training.....	50,000
29	Regional jail program.....	100

1	Felony drunk driver jail reduction and community	
2	treatment program .....	1,740,100
3	County jail reimbursement program.....	<u>12,272,100</u>
4	GROSS APPROPRIATION.....	\$ 126,883,500
5	Appropriated from:	
6	Federal revenues:	
7	Federal revenues and reimbursements.....	1,178,500
8	Special revenue funds:	
9	State restricted revenues and reimbursements.....	7,514,400
10	State general fund/general purpose.....	\$ 118,190,600
11	<b>Sec. 104. OPERATIONS SUPPORT ADMINISTRATION</b>	
12	Full-time equated classified positions .....142.9	
13	Operations support administration--50.0 FTE positions. \$	4,799,000
14	New custody staff training.....	250,500
15	Compensatory buyout and union leave bank.....	100
16	Workers' compensation.....	14,330,800
17	Bureau of fiscal management--59.9 FTE positions.....	6,442,900
18	Office of legal services--23.0 FTE positions.....	2,583,700
19	Internal affairs--10.0 FTE positions.....	1,039,800
20	Rent.....	2,095,200
21	Equipment and special maintenance.....	2,425,500
22	Administrative hearings officers.....	3,549,600
23	Judicial data warehouse user fees.....	50,000
24	Sheriffs' coordinating and training office.....	500,000
25	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
26	GROSS APPROPRIATION.....	\$ 42,118,100
27	Appropriated from:	
28	Interdepartmental grant revenues:	
29	IDG-MDSP, Michigan justice training fund.....	298,400

1	Special revenue funds:	
2	State restricted revenues and reimbursements.....	610,400
3	State general fund/general purpose.....	\$ 41,209,300
4	<b>Sec. 105. FIELD OPERATIONS ADMINISTRATION</b>	
5	Full-time equated classified positions .....	2,174.9
6	Field operations--1,992.6 FTE positions.....	\$ 171,935,100
7	Parole board operations--63.0 FTE positions.....	5,584,900
8	Parole/probation services.....	2,243,500
9	Community re-entry centers--58.3 FTE positions.....	15,628,000
10	Electronic monitoring center--61.0 FTE positions.....	<u>11,306,300</u>
11	GROSS APPROPRIATION.....	\$ 206,697,800
12	Appropriated from:	
13	Special revenue funds:	
14	Local - community tether program reimbursement.....	432,700
15	State restricted revenues and reimbursements.....	14,363,500
16	State general fund/general purpose.....	\$ 191,901,600
17	<b>Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION</b>	
18	Average population .....	(3,886)
19	Full-time equated classified positions .....	896.9
20	Correctional facilities administration--84.5 FTE	
21	positions .....	\$ 10,129,500
22	Prison food service--467.0 FTE positions.....	79,929,900
23	Transportation--226.6 FTE positions.....	24,619,400
24	Central records--53.5 FTE positions.....	4,589,100
25	DOJ, psychiatric plan - MDCH mental health services...	45,489,700
26	DOJ, psychiatric plan - MDOC staff and	
27	Services--336.0 FTE positions .....	30,472,600
28	Inmate legal services.....	1,004,900
29	Loans to parolees.....	179,400

1	Housing inmates in federal institutions.....	793,900
2	Prison store operations--256.0 FTE positions.....	4,800,000
3	Prison industries operations--219.0 FTE positions.....	20,358,300
4	Education services and federal education	
5	grants--10.0 FTE positions .....	3,420,500
6	Federal school lunch program.....	712,800
7	Leased beds and alternatives to leased beds.....	100
8	Inmate housing fund--(1,077.2) FTE positions.....	(117,992,700)
9	Average population .....	(3,886)
10	MPRI education program--321.5 FTE positions.....	<u>34,390,900</u>
11	GROSS APPROPRIATION.....	\$ 142,898,300
12	Appropriated from:	
13	Interdepartmental grant revenues:	
14	IDG-MDCH, forensic center food service.....	593,500
15	Federal revenues:	
16	Federal revenues and reimbursements.....	5,158,400
17	Special revenue funds:	
18	State restricted revenues and reimbursements.....	24,064,400
19	State general fund/general purpose.....	\$ 113,082,000
20	<b>Sec. 107. HEALTH CARE</b>	
21	Full-time equated classified positions .....	1,204.6
22	Health care administration--13.0 FTE positions.....	\$ 2,048,300
23	Prisoner health care services.....	95,881,400
24	Vaccination program.....	691,200
25	Northern region clinical complexes--278.4 FTE	
26	positions .....	36,724,500
27	Southeastern region clinical complexes--588.9 FTE	
28	positions .....	92,340,500
29	Southwestern region clinical complexes--324.3 FTE	

1	positions .....		<u>40,658,500</u>
2	GROSS APPROPRIATION.....	\$	268,344,400
3	Appropriated from:		
4	Special revenue funds:		
5	State restricted revenues and reimbursements.....		336,300
6	State general fund/general purpose.....	\$	268,008,100
7	<b>Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES</b>		
8	Average population .....		15,855
9	Full-time equated classified positions .....		3,798.1
10	Alger maximum correctional facility -		
11	Munising--311.0 FTE positions .....	\$	31,522,300
12	Average population .....		849
13	Baraga maximum correctional facility - Baraga--375.1		
14	FTE positions .....		36,630,700
15	Average population .....		1,172
16	Chippewa correctional facility - Kincheloe--475.3		
17	FTE positions .....		48,400,900
18	Average population .....		2,282
19	Kinross correctional facility - Kincheloe--540.1 FTE		
20	positions .....		55,249,100
21	Average population .....		2,999
22	Marquette branch prison - Marquette--345.1 FTE		
23	positions .....		37,643,400
24	Average population .....		1,201
25	Newberry correctional facility - Newberry--269.9 FTE		
26	positions .....		26,344,500
27	Average population .....		978
28	Oaks correctional facility - Eastlake--304.0 FTE		
29	positions .....		33,826,500

1	Average population .....	1,156	
2	Ojibway correctional facility - Marenisco--248.9 FTE		
3	positions .....		23,898,100
4	Average population .....	1,378	
5	Pugsley correctional facility - Kingsley--211.0 FTE		
6	positions .....		20,243,800
7	Average population .....	1,158	
8	Saginaw correctional facility - Freeland--308.8 FTE		
9	positions .....		31,324,900
10	Average population .....	1,480	
11	Standish maximum correctional facility -		
12	Standish--350.9 FTE positions .....		36,689,200
13	Average population .....	1,202	
14	Northern region administration and support--58.0 FTE		
15	positions .....		<u>4,047,000</u>
16	GROSS APPROPRIATION.....	\$	385,820,400
17	Appropriated from:		
18	Special revenue funds:		
19	State restricted revenues and reimbursements.....		1,366,000
20	State general fund/general purpose.....	\$	384,454,400
21	<b>Sec. 109. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>		
22	Average population .....	16,025	
23	Full-time equated classified positions .....	3,809.7	
24	Cooper Street correctional facility - Jackson--274.9		
25	FTE positions .....	\$	28,672,600
26	Average population .....	1,752	
27	G. Robert Cotton correctional facility -		
28	Jackson--404.5 FTE positions .....		39,019,000
29	Average population .....	1,854	

1	Charles E. Egeler correctional facility -	
2	Jackson--355.3 FTE positions .....	39,255,600
3	Average population .....	1,376
4	Gus Harrison correctional facility - Adrian--446.7	
5	FTE positions .....	45,570,300
6	Average population .....	2,342
7	Huron Valley correctional complex - Ypsilanti--681.6	
8	FTE positions .....	70,910,600
9	Average population .....	2,032
10	Macomb correctional facility - New Haven--279.6 FTE	
11	positions .....	27,399,200
12	Average population .....	1,228
13	Mound correctional facility - Detroit--286.5 FTE	
14	positions .....	26,179,500
15	Average population .....	1,051
16	Parnall correctional facility - Jackson--259.8 FTE	
17	positions .....	26,481,900
18	Average population .....	1,712
19	Ryan correctional facility - Detroit--300.8 FTE	
20	positions .....	29,421,100
21	Average population .....	1,059
22	Thumb correctional facility - Lapeer--283.0 FTE	
23	positions .....	29,165,800
24	Average population .....	1,219
25	Special alternative incarceration program - Cassidy	
26	Lake--119.0 FTE positions .....	10,892,600
27	Average population .....	400
28	Southeastern region administration and support--118.0	
29	FTE positions .....	<u>20,874,400</u>



1	GROSS APPROPRIATION.....	\$	393,842,600
2	Appropriated from:		
3	Federal revenues:		
4	Federal revenues and reimbursements.....		1,409,200
5	Special revenue funds:		
6	State restricted revenues and reimbursements.....		1,536,700
7	State general fund/general purpose.....	\$	390,896,700
8	<b>Sec. 110. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>		
9	Average population .....		17,439
10	Full-time equated classified positions .....		3,634.0
11	Bellamy Creek correctional facility - Ionia--397.4		
12	FTE positions .....	\$	36,879,700
13	Average population .....		1,850
14	Earnest C. Brooks correctional facility -		
15	Muskegon--448.2 FTE positions .....		45,577,500
16	Average population .....		2,440
17	Carson City correctional facility - Carson		
18	City--452.8 FTE positions .....		46,560,100
19	Average population .....		2,440
20	Richard A. Handlon correctional facility -		
21	Ionia--236.4 FTE positions .....		23,321,400
22	Average population .....		1,320
23	Ionia maximum correctional facility - Ionia--305.7		
24	FTE positions .....		29,670,500
25	Average population .....		707
26	Lakeland correctional facility - Coldwater--466.8		
27	FTE positions .....		46,142,400
28	Average population .....		2,392
29	Michigan reformatory - Ionia--309.1 FTE positions.....		26,073,000

1	Average population .....	1,338	
2	Muskegon correctional facility - Muskegon--215.7 FTE		
3	positions .....		23,517,800
4	Average population .....	1,326	
5	Pine River correctional facility - St. Louis--206.7		
6	FTE positions .....		20,538,100
7	Average population .....	1,200	
8	St. Louis correctional facility - St. Louis--517.2		
9	FTE positions .....		50,773,200
10	Average population .....	2,426	
11	Southwestern region administration and support--78.0		
12	FTE positions .....		<u>15,750,800</u>
13	GROSS APPROPRIATION.....	\$	364,804,500
14	Appropriated from:		
15	Special revenue funds:		
16	State restricted revenues and reimbursements.....		371,700
17	State general fund/general purpose.....	\$	364,432,800
18	<b>Sec. 111. INFORMATION TECHNOLOGY</b>		
19	Information technology services and projects.....	\$	<u>22,984,300</u>
20	GROSS APPROPRIATION.....	\$	22,984,300
21	Appropriated from:		
22	Special revenue funds:		
23	State restricted revenues and reimbursements.....		761,200
24	State general fund/general purpose.....	\$	22,223,100

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28 PART 2

29 PROVISIONS CONCERNING APPROPRIATIONS

30 GENERAL SECTIONS

1       Sec. 201. Pursuant to section 30 of article IX of the state  
2 constitution of 1963, total state spending from state resources  
3 under part 1 for fiscal year 2009-2010 is \$1,949,324,200.00 and  
4 state spending from state resources to be paid to local units of  
5 government for fiscal year 2009-2010 is \$88,287,000.00. The  
6 itemized statement below identifies appropriations from which  
7 spending to local units of government will occur:

8       DEPARTMENT OF CORRECTIONS

9       Field operations - assumption of county probation	
10   staff .....	\$       48,783,900
11   Public service work projects.....	4,859,800
12   Community corrections comprehensive plans and services	12,758,000
13   Community corrections residential services.....	18,075,500
14   Community corrections public education and training...	50,000
15   Felony drunk driver jail reduction and community	
16   treatment program.....	1,740,100
17   Community reentry centers.....	2,019,600
18   Regional jail program.....	<u>100</u>
19   TOTAL.....	\$       88,287,000

20       Sec. 202. The appropriations authorized under this bill are  
21 subject to the management and budget act, 1984 PA 431, MCL 18.1101  
22 to 18.1594.

23       Sec. 203. As used in this bill:

- 24       (a) "Department" or "MDOC" means the Michigan department of  
25 corrections.  
26       (b) "DOJ" means the United States department of justice.  
27       (c) "FTE" means full-time equated.  
28       (d) "GED" means general educational development certificate.  
29       (e) "GPS" means global positioning system.

1 (f) "HIV" means human immunodeficiency virus.

2 (g) "IDG" means interdepartmental grant.

3 (h) "MDCH" means the Michigan department of community health.

4 (i) "Medicaid benefit" means a benefit paid or payable under a  
5 program for medical assistance under the social welfare act,  
6 1939 PA 280, MCL 400.1 to 400.119b.

7 (j) "MDSP" means the Michigan department of state police.

8 (k) "MPRI" means the Michigan prisoner reentry initiative.

9 (l) "OCC" means the office of community corrections.

10 Sec. 204. The civil service commission shall bill departments  
11 and agencies at the end of the first fiscal quarter for the charges  
12 authorized by section 5 of article XI of the state constitution of  
13 1963. Payments shall be made for the total amount of the billing by  
14 the end of the second fiscal quarter.

15 Sec. 208. The department shall use the Internet to fulfill the  
16 reporting requirements of this bill. This requirement may include  
17 transmission of reports via electronic mail to the recipients  
18 identified for each reporting requirement, or it may include  
19 placement of reports on an Internet or Intranet site. There shall  
20 be at least 1 separate and distinct electronic file for each  
21 section that includes a reporting requirement.

22 Sec. 209. Funds appropriated in part 1 shall not be used for  
23 the purchase of foreign goods or services, or both, if  
24 competitively priced and comparable quality American goods or  
25 services, or both, are available. Preference shall be given to  
26 goods or services, or both, manufactured or provided by Michigan  
27 businesses, if they are competitively priced and of comparable  
28 quality. In addition, preference shall be given to goods or  
29 services, or both, that are manufactured or provided by Michigan

1 businesses owned and operated by veterans, if they are  
2 competitively priced and of comparable quality.

3 Sec. 210. (1) Pursuant to the provisions of civil service  
4 rules and regulations and applicable collective bargaining  
5 agreements, individuals seeking employment with the department  
6 shall submit to a controlled substance test. The test shall be  
7 administered by the department.

8 (2) Individuals seeking employment with the department who  
9 refuse to take a controlled substance test or who test positive for  
10 the illicit use of a controlled substance on such a test shall be  
11 denied employment.

12 Sec. 211. The department may charge fees and collect revenues  
13 in excess of appropriations in part 1 not to exceed the cost of  
14 offender services and programming, employee meals, parolee loans,  
15 academic/vocational services, custody escorts, compassionate  
16 visits, union steward activities, public work programs, and  
17 services provided to units of government. The revenues and fees  
18 collected are appropriated for all expenses associated with these  
19 services and activities.

20 Sec. 212. Preference should be given to purchasing produce  
21 from Michigan growers and processors when their produce is  
22 competitively priced and of comparable quality.

23 Sec. 214. From the funds appropriated in part 1 for  
24 information technology, departments and agencies shall pay user  
25 fees to the department of information technology for technology-  
26 related services and projects. Such user fees shall be subject to  
27 provisions of an interagency agreement between the departments and  
28 agencies and the department of information technology.

1       Sec. 216. (1) Due to the current budgetary problems in this  
2 state, out-of-state travel for the fiscal year ending September 30,  
3 2010 shall be limited to situations in which 1 or more of the  
4 following conditions apply:

5       (a) The travel is required by legal mandate or court order or  
6 for law enforcement purposes.

7       (b) The travel is necessary to protect the health or safety of  
8 Michigan citizens or visitors or to assist other states in similar  
9 circumstances.

10       (c) The travel is necessary to produce budgetary savings or to  
11 increase state revenues, including protecting existing federal  
12 funds or securing additional federal funds.

13       (d) The travel is necessary to comply with federal  
14 requirements.

15       (e) The travel is necessary to secure specialized training for  
16 staff that is not available within this state.

17       (f) The travel is financed entirely by federal or nonstate  
18 funds.

19       (2) Not later than January 1 of each year, each department  
20 shall prepare a travel report listing all travel by classified and  
21 unclassified employees outside this state in the immediately  
22 preceding fiscal year that was funded in whole or in part with  
23 funds appropriated in the department's budget. The report shall be  
24 submitted to the senate and house of representatives standing  
25 committees on appropriations, the senate and house fiscal agencies,  
26 and the state budget director. The report shall include the  
27 following information:

28       (a) The name of each person receiving reimbursement for travel  
29 outside this state or whose travel costs were paid by this state.

1 (b) The destination of each travel occurrence.

2 (c) The dates of each travel occurrence.

3 (d) A brief statement of the reason for each travel  
4 occurrence.

5 (e) The transportation and related costs of each travel  
6 occurrence, including the proportion funded with state general  
7 fund/general purpose revenues, the proportion funded with state  
8 restricted revenues, the proportion funded with federal revenues,  
9 and the proportion funded with other revenues.

10 (f) A total of all out-of-state travel funded for the  
11 immediately preceding fiscal year.

12 Sec. 217. The director shall take all reasonable steps to  
13 ensure businesses in deprived and depressed communities compete for  
14 and perform contracts to provide services or supplies, or both. The  
15 director shall strongly encourage firms with which the department  
16 contracts to subcontract with certified businesses in deprived and  
17 depressed communities for services, supplies, or both.

18 Sec. 222. Funds appropriated in part 1 shall not be used by a  
19 principal executive department, state agency, or authority to hire  
20 a person to provide legal services that are the responsibility of  
21 the attorney general. This prohibition does not apply to legal  
22 services for bonding activities and for those activities that the  
23 attorney general authorizes.

24 Sec. 223. (1) In addition to the funds appropriated in part 1,  
25 there is appropriated an amount not to exceed \$10,000,000.00 for  
26 federal contingency funds. These funds are not available for  
27 expenditure until they have been transferred to another line item  
28 in this bill under section 393(2) of the management and budget act,  
29 1984 PA 431, MCL 18.1393.

1 (2) In addition to the funds appropriated in part 1, there is  
2 appropriated an amount not to exceed \$5,000,000.00 for state  
3 restricted contingency funds. These funds are not available for  
4 expenditure until they have been transferred to another line item  
5 in this bill under section 393(2) of the management and budget act,  
6 1984 PA 431, MCL 18.1393.

7 (3) In addition to the funds appropriated in part 1, there is  
8 appropriated an amount not to exceed \$2,000,000.00 for local  
9 contingency funds. These funds are not available for expenditure  
10 until they have been transferred to another line item in this bill  
11 under section 393(2) of the management and budget act, 1984 PA 431,  
12 MCL 18.1393.

13 (4) In addition to the funds appropriated in part 1, there is  
14 appropriated an amount not to exceed \$2,000,000.00 for private  
15 contingency funds. These funds are not available for expenditure  
16 until they have been transferred to another line item in this bill  
17 under section 393(2) of the management and budget act, 1984 PA 431,  
18 MCL 18.1393.

19  
20 **EXECUTIVE**

21 Sec. 301. For 3 years after a felony offender is released from  
22 the department's jurisdiction, the department shall maintain the  
23 offender's file on the offender tracking information system and  
24 make it publicly accessible in the same manner as the file of the  
25 current offender. However, the department shall immediately remove  
26 the offender's file from the offender tracking information system  
27 upon determination that the offender was wrongfully convicted and  
28 the offender's file is not otherwise required to be maintained on  
29 the offender tracking information system.



1           Sec. 304. The director of the department shall develop a staff  
2 savings initiative program to invite employees to submit  
3 suggestions for saving costs for the department.  
4

5           **PLANNING AND COMMUNITY SUPPORT**

6           Sec. 401. The department shall submit 3-year and 5-year prison  
7 population projection updates by February 15, 2010 to the senate  
8 and house appropriations subcommittees on corrections, the senate  
9 and house fiscal agencies, and the state budget director. The  
10 report shall include explanations of the methodology and  
11 assumptions used in developing the projection updates.

12          Sec. 402. Funds appropriated in part 1 for prisoner  
13 reintegration programs shall be expended for the purpose of  
14 reducing victimization by reducing offender recidivism through the  
15 following prisoner reintegration programming:

16           (a) The provision of employment and job training.

17           (b) The provision of assistance in acquiring the documents  
18 necessary to obtain a state identification card or operator's  
19 license.

20           (c) The provision of housing assistance.

21           (d) Referral to mental health services.

22           (e) Referral to substance abuse services.

23           (f) Referral to public health services.

24           (g) Referral to education.

25           (h) Referral to any other services necessary for successful  
26 reintegration.

27          Sec. 403. The department shall develop a performance-based  
28 dashboard tracking and reporting system that establishes key  
29 indicators of the Michigan Prisoner Re-entry Initiative.

1           Sec. 404. (1) The department shall screen and assess each  
2 prisoner for alcohol and other drug involvement to determine the  
3 need for further treatment. The assessment process shall be  
4 designed to identify the severity of alcohol and other drug  
5 addiction and determine the treatment plan, if appropriate.

6           (2) Subject to the availability of funding resources, the  
7 department shall provide substance abuse treatment to prisoners  
8 with priority given to those prisoners who are most in need of  
9 treatment and who can best benefit from program intervention based  
10 on the screening and assessment provided under subsection (1).

11          Sec. 405. (1) In expending residential substance abuse  
12 treatment services funds appropriated under this bill, the  
13 department shall ensure to the maximum extent possible that  
14 residential substance abuse treatment services are available  
15 statewide.

16          (2) By April 1, 2010, the department shall report to the  
17 senate and house appropriations subcommittees on corrections, the  
18 senate and house fiscal agencies, and the state budget director on  
19 the allocation, distribution, and expenditure of all funds  
20 appropriated by the substance abuse testing and treatment line item  
21 during fiscal year 2008-2009 and projected for fiscal year 2009-  
22 2010. The report shall include, but not be limited to, an  
23 explanation of an anticipated year-end balance, the number of  
24 participants in substance abuse programs, and the number of  
25 offenders on waiting lists for residential substance abuse  
26 programs. Information required under this subsection shall, where  
27 possible, be separated by MDOC administrative region and by  
28 offender type, including, but not limited to, a distinction between  
29 prisoners, parolees, and probationers.

1           (3) By April 1, 2010, the department shall report to the  
2 senate and house appropriations subcommittees on corrections, the  
3 senate and house fiscal agencies, and the state budget director on  
4 substance abuse testing and treatment program objectives, outcome  
5 measures, and results, including program impact on offender  
6 behavior and recidivism.

7           Sec. 408. The department shall measure the recidivism rates of  
8 offenders using at least a 3-year period following their release  
9 from prison.

10          Sec. 409. The office of community corrections shall provide  
11 and coordinate the delivery and implementation of services in  
12 communities to facilitate successful offender reintegration into  
13 the community. Programs and services to be offered shall include,  
14 but are not limited to, technical assistance for comprehensive  
15 corrections plan development, new program start-up funding, program  
16 funding for those programs delivering services for eligible  
17 offenders in geographic areas identified by the office of community  
18 corrections as having a shortage of available services, technical  
19 assistance, referral services for education, employment services,  
20 and substance abuse and family counseling. As used in this bill:

21          (a) "Alternative to incarceration in a state facility or jail"  
22 means a program that involves offenders who receive a sentencing  
23 disposition that appears to be in place of incarceration in a state  
24 correctional facility or jail based on historical local sentencing  
25 patterns or that amounts to a reduction in the length of sentence  
26 in a jail.

27          (b) "Goal" means the intended or projected result of a  
28 comprehensive corrections plan or community corrections program to

1 reduce prison commitment rates, to reduce the length of stay in a  
2 jail, or to improve the utilization of a jail.

3 (c) "Jail" means a facility operated by a local unit of  
4 government for the physical detention and correction of persons  
5 charged with or convicted of criminal offenses.

6 (d) "Offender eligibility criteria" means particular criminal  
7 violations, state felony sentencing guidelines descriptors, and  
8 offender characteristics developed by advisory boards and approved  
9 by local units of government that identify the offenders suitable  
10 for community corrections programs funded through the office of  
11 community corrections.

12 (e) "Offender target population" means felons or misdemeanants  
13 who would likely be sentenced to imprisonment in a state  
14 correctional facility or jail, who would not increase the risk to  
15 the public safety, who have not demonstrated a pattern of violent  
16 behavior, and who do not have criminal records that indicate a  
17 pattern of violent offenses.

18 (f) "Offender who would likely be sentenced to imprisonment"  
19 means either of the following:

20 (i) A felon or misdemeanor who receives a sentencing  
21 disposition that appears to be in place of incarceration in a state  
22 correctional facility or jail, according to historical local  
23 sentencing patterns.

24 (ii) A currently incarcerated felon or misdemeanor who is  
25 granted early release from incarceration to a community corrections  
26 program or who is granted early release from incarceration as a  
27 result of a community corrections program.

28 Sec. 410. (1) The funds included in part 1 for community  
29 corrections comprehensive plans and services are to encourage the

1 development through technical assistance grants, implementation,  
2 and operation of community corrections programs that serve as an  
3 alternative to incarceration in a state facility or jail. The  
4 comprehensive corrections plans shall include an explanation of how  
5 the public safety will be maintained, the goals for the local  
6 jurisdiction, offender target populations intended to be affected,  
7 offender eligibility criteria for purposes outlined in the plan,  
8 and how the plans will meet the following objectives, consistent  
9 with section 8(4) of the community corrections act, 1988 PA 511,  
10 MCL 791.408:

11 (a) Reduce admissions to prison of nonviolent offenders who  
12 would have otherwise received an active sentence, including  
13 probation violators.

14 (b) Improve the appropriate utilization of jail facilities,  
15 the first priority of which is to open jail beds intended to house  
16 otherwise prison-bound felons, and the second priority being to  
17 appropriately utilize jail beds so that jail crowding does not  
18 occur.

19 (c) Open jail beds through the increase of pretrial release  
20 options.

21 (d) Reduce the readmission to prison of parole violators.

22 (e) Reduce the admission or readmission to prison of  
23 offenders, including probation violators and parole violators, for  
24 substance abuse violations.

25 (2) The award of community corrections comprehensive plans and  
26 residential services funds shall be based on criteria that include,  
27 but are not limited to, the prison commitment rate by category of  
28 offenders, trends in prison commitment rates and jail utilization,  
29 historical trends in community corrections program capacity and

1 program utilization, and the projected impact and outcome of annual  
2 policies and procedures of programs on prison commitment rates and  
3 jail utilization.

4 (3) Funds awarded for residential services in part 1 shall  
5 provide for a per diem reimbursement of not more than \$47.50.

6 Sec. 411. The comprehensive corrections plans shall also  
7 include, where appropriate, descriptive information on the full  
8 range of sanctions and services that are available and utilized  
9 within the local jurisdiction and an explanation of how jail beds,  
10 residential services, the special alternative incarceration  
11 program, probation detention centers, the electronic monitoring  
12 program for probationers, and treatment and rehabilitative services  
13 will be utilized to support the objectives and priorities of the  
14 comprehensive corrections plans and the purposes and priorities of  
15 section 8(4) of the community corrections act, 1988 PA 511, MCL  
16 791.408. The plans shall also include, where appropriate,  
17 provisions that detail how the local communities plan to respond to  
18 sentencing guidelines found in chapter XVII of the code of criminal  
19 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the  
20 county jail reimbursement program under section 414. The state  
21 community corrections board shall encourage local community  
22 corrections advisory boards to include in their comprehensive  
23 corrections plans strategies to collaborate with local alcohol and  
24 drug treatment agencies of the MDCH for the provision of alcohol  
25 and drug screening, assessment, case management planning, and  
26 delivery of treatment to alcohol- and drug-involved offenders,  
27 including, but not limited to, probation and parole violators who  
28 are at risk of revocation.

1           Sec. 412. (1) As part of the March biannual report specified  
2 in section 12(2) of the community corrections act, 1988 PA 511, MCL  
3 791.412, that requires an analysis of the impact of that act on  
4 prison admissions and jail utilization, the department shall submit  
5 to the senate and house appropriations subcommittees on  
6 corrections, the senate and house fiscal agencies, and the state  
7 budget director the following information for each county and  
8 counties consolidated for comprehensive corrections plans:

9           (a) Approved technical assistance grants and comprehensive  
10 corrections plans including each program and level of funding, the  
11 utilization level of each program, and profile information of  
12 enrolled offenders.

13           (b) If federal funds are made available, the number of  
14 participants funded, the number served, the number successfully  
15 completing the program, and a summary of the program activity.

16           (c) Status of the community corrections information system and  
17 the jail population information system.

18           (d) Data on residential services, including participant data,  
19 participant sentencing guideline scores, program expenditures,  
20 average length of stay, and bed utilization data.

21           (e) Offender disposition data by sentencing guideline range,  
22 by disposition type, number and percent statewide and by county,  
23 current year, and comparisons to the previous 3 years.

24           (2) The report required under subsection (1) shall include the  
25 total funding allocated, program expenditures, required program  
26 data, and year-to-date totals.

27           Sec. 413. (1) The department shall identify and coordinate  
28 information regarding the availability of and the demand for

1 community corrections programs, jail-based community corrections  
2 programs, and basic state-required jail data.

3 (2) The department is responsible for the collection,  
4 analysis, and reporting of state-required jail data.

5 (3) As a prerequisite to participation in the programs and  
6 services offered through the department, counties shall provide  
7 basic jail data to the department.

8 Sec. 414. (1) The department shall administer a county jail  
9 reimbursement program from the funds appropriated in part 1 for the  
10 purpose of reimbursing counties for housing in jails felons who  
11 otherwise would have been sentenced to prison.

12 (2) The county jail reimbursement program shall reimburse  
13 counties for housing and custody of convicted felons if the  
14 conviction was for a crime committed on or after January 1, 1999  
15 and 1 of the following applies:

16 (a) The felon's sentencing guidelines recommended range upper  
17 limit is more than 18 months, the felon's sentencing guidelines  
18 recommended range lower limit is 12 months or less, the felon's  
19 prior record variable score is 35 or more points, and the felon's  
20 sentence is not for commission of a crime in crime class F, crime  
21 class G or crime class H or MCL 750.537(7), MCL 750.249, or MCL  
22 445.65 under chapter XVII of the code of criminal procedure, 1927  
23 PA 175, MCL 777.1 to 777.69.

24 (b) The felon's minimum sentencing guidelines range minimum is  
25 more than 12 months.

26 (3) State reimbursement under this section for prisoner  
27 housing and custody expenses per diverted offender shall be \$60.00  
28 per diem for offenders with a presumptive prison guideline score



1 and \$40.00 per diem for offenders with a straddle cell guideline;  
2 reimbursements shall be paid for sentences up to a 1-year total.

3 (4) The department and the state budget office shall, if  
4 appropriate, recommend modification of the criteria for  
5 reimbursement contained in subsection (2) at meetings convened by  
6 the chairs of the house and senate appropriations subcommittees on  
7 corrections.

8 (5) The department shall reimburse counties for offenders in  
9 jail based upon the reimbursement eligibility criteria in place on  
10 the date the offender was originally sentenced for the reimbursable  
11 offense.

12 (6) County jail reimbursement program expenditures shall not  
13 exceed the amount appropriated in part 1 for the county jail  
14 reimbursement program. Payments to counties under the county jail  
15 reimbursement program shall be made in the order in which properly  
16 documented requests for reimbursements are received. A request  
17 shall be considered to be properly documented if it meets MDOC  
18 requirements for documentation. The department shall by October 15,  
19 2009 distribute the documentation requirements to all counties.

20 Sec. 416. (1) Funds included in part 1 for the felony drunk  
21 driver jail reduction and community treatment program are  
22 appropriated for and may be expended for any of the following  
23 purposes:

24 (a) To increase availability of treatment options to reduce  
25 drunk driving and drunk driving-related deaths by addressing the  
26 alcohol addiction of felony drunk drivers who otherwise likely  
27 would be sentenced to jail or a combination of jail and other  
28 sanctions.

1 (b) To divert from jail sentences or to reduce the length of  
2 jail sentences for felony drunk drivers who otherwise would have  
3 been sentenced to jail and whose recommended minimum sentence  
4 ranges under sentencing guidelines established under chapter XVII  
5 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to  
6 777.69, have upper limits of 18 months or less, through funding  
7 programs that may be used in lieu of incarceration and that  
8 increase the likelihood of rehabilitation.

9 (c) To provide a policy and funding framework to make  
10 additional jail space available for housing convicted felons whose  
11 recommended minimum sentence ranges under sentencing guidelines  
12 established under chapter XVII of the code of criminal procedure,  
13 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or  
14 less and who likely otherwise would be sentenced to prison, with  
15 the aim of enabling counties to meet or exceed amounts received  
16 through the county jail reimbursement program during fiscal year  
17 2002-2003 and reducing the numbers of felons sentenced to prison.

18 (2) Expenditure of funds included in part 1 for the felony  
19 drunk driver jail reduction and community treatment program shall  
20 be by grant awards consistent with standards developed by a  
21 committee of the state community corrections advisory board. The  
22 chairperson of the committee shall be the board member representing  
23 county sheriffs. Remaining members of the committee shall be  
24 appointed by the chairperson of the board.

25 (3) In developing annual standards, the committee shall  
26 consult with interested agencies and associations. Standards  
27 developed by the committee shall include application criteria,  
28 performance objectives and measures, funding allocations, and

allowable uses of the funds, consistent with the purposes specified in this section.

(4) Allowable uses of the funds shall include reimbursing counties for transportation, treatment costs, and housing felony drunk drivers during a period of assessment for treatment and case planning. Reimbursements for housing during the assessment process shall be at the rate of \$43.50 per day per offender, up to a maximum of 5 days per offender.

(5) The standards developed by the committee shall assign each county a maximum funding allocation based on the amount the county received under the county jail reimbursement program in fiscal year 2001-2002 for housing felony drunk drivers whose recommended minimum sentence ranges under the sentencing guidelines described in subsection (1)(c) had upper limits of 18 months or less.

(6) Awards of funding under this section shall be provided consistent with the local comprehensive corrections plans developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds awarded under this section may be used in conjunction with funds awarded under grant programs established under that act. Due to the need for felony drunk drivers to be transitioned from county jails to community treatment services, it is the intent of the legislature that local units of government utilize funds received under this section to support county sheriff departments.

(7) As used in this section, "felony drunk driver" means a felon convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or both, third or subsequent offense, under section 625(9)(c) of the Michigan vehicle

1 code, 1949 PA 300, MCL 257.625, or its predecessor statute,  
2 punishable as a felony.

3 Sec. 417. (1) By April 1, 2010, the department shall report to  
4 the members of the senate and house appropriations subcommittees on  
5 corrections, the senate and house fiscal agencies, and the state  
6 budget director on each of the following programs from the previous  
7 fiscal year:

8 (a) Any new initiatives to control prison population growth  
9 funded or proposed to be funded under part 1.

10 (2) For each program listed under subsection (1), the report  
11 under subsection (1) shall include information on each of the  
12 following:

13 (a) Program objectives and outcome measures.

14 (b) Expenditures by location.

15 (c) The impact on jail utilization.

16 (d) The impact on prison admissions.

17 (e) Other information relevant to an evaluation of the  
18 program.

19 Sec. 418. The department shall ensure that each prisoner make  
20 all reasonable efforts to obtain the documents necessary to obtain  
21 a state operator's license or state identification card prior to a  
22 prisoner's discharge or parole hearing. The process for prisoners  
23 to acquire this documentation shall be part of the department's  
24 operating procedure.

25 Sec. 419. (1) The department shall provide weekly electronic  
26 mail reports to the senate and house appropriations subcommittees  
27 on corrections, the senate and house fiscal agencies, and the state  
28 budget director on prisoner, parolee, and probationer populations  
29 by facility, and prison capacities.

1           (2) The department shall provide quarterly electronic mail  
2 reports to the senate and house appropriations subcommittees on  
3 corrections, the senate and house fiscal agencies, and the state  
4 budget director. The reports shall include information on end-of-  
5 month prisoner populations in county jails, the net operating  
6 capacity according to the most recent certification report,  
7 identified by date, and end-of-month data, year-to-date data, and  
8 comparisons to the prior year for the following:

9           (a) Community residential program populations, separated by  
10 centers and electronic monitoring.

11           (b) Parole populations.

12           (c) Probation populations, with identification of the number  
13 in special alternative incarceration.

14           (d) Prison and camp populations, with separate identification  
15 of the number in special alternative incarceration and the number  
16 of lifers.

17           (e) Parole board activity, including the numbers and  
18 percentages of parole grants and parole denials.

19           (f) Prisoner exits, identifying transfers to community  
20 placement, paroles from prisons and camps, paroles from community  
21 placement, total movements to parole, prison intake, prisoner  
22 deaths, prisoners discharging on the maximum sentence, and other  
23 prisoner exits.

24           (g) Prison intake and returns, including probation violators,  
25 new court commitments, violators with new sentences, escaper new  
26 sentences, total prison intake, returns from court with additional  
27 sentences, community placement returns, technical parole violator  
28 returns, and total returns to prison and camp.

29

1     OPERATIONS AND SUPPORT ADMINISTRATION

2           Sec. 501. From the funds appropriated in part 1 for  
3 prosecutorial and detainer expenses, the department shall reimburse  
4 counties for housing and custody of parole violators and offenders  
5 being returned by the department from community placement who are  
6 available for return to institutional status and for prisoners who  
7 volunteer for placement in a county jail.

8           Sec. 502. Funds included in part 1 for the sheriffs'  
9 coordinating and training office are appropriated for and may be  
10 expended to defray costs of continuing education, certification,  
11 recertification, decertification, and training of local corrections  
12 officers, the personnel and administrative costs of the sheriffs'  
13 coordinating and training office, the local corrections officers  
14 advisory board, and the sheriffs' coordinating and training council  
15 under the local corrections officers training act, 2003 PA 125, MCL  
16 791.531 to 791.546.

17          Sec. 503. Funds appropriated in part 1 for administrative  
18 hearings officers are appropriated as an interdepartmental grant to  
19 the department of energy, labor and economic growth for the purpose  
20 of funding administrative hearings officers for adjudication of  
21 grievances pertaining to the department of corrections. The  
22 department shall not expend appropriations from part 1 to satisfy  
23 charges from the department of energy, labor and economic growth  
24 for administrative hearings officers in excess of the amount  
25 expressly appropriated by this bill for the administrative hearings  
26 officers unless funding is transferred into this line under section  
27 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

28          Sec. 505. The department shall train all custody staff in  
29 effective and safe ways of handling prisoners with mental illness

1 and referring prisoners to mental health treatment programs. Mental  
2 health awareness training shall be incorporated into the training  
3 of new custody staff.

4  
5 **FIELD OPERATIONS ADMINISTRATION**

6 Sec. 601. From the funds appropriated in part 1, the  
7 department shall conduct a statewide caseload audit of field  
8 agents. The audit shall address public protection issues and assess  
9 the ability of the field agents to complete their professional  
10 duties. The results of the audit shall be submitted to the senate  
11 and house appropriations subcommittees on corrections and the  
12 senate and house fiscal agencies, and the state budget office by  
13 May 31, 2010.

14 Sec. 602. (1) Of the amount appropriated in part 1 for field  
15 operations, a sufficient amount shall be allocated for the  
16 community service work program and shall be used for salaries and  
17 wages and fringe benefit costs of community service coordinators  
18 employed by the department to supervise offenders participating in  
19 work crew assignments. Funds shall also be used to cover motor  
20 transport division rates on state vehicles used to transport  
21 offenders to community service work project sites.

22 (2) The community service work program shall provide offenders  
23 with community service work of tangible benefit to a community  
24 while fulfilling court-ordered community service work sanctions and  
25 other postconviction obligations.

26 (3) As used in this section, "community service work" means  
27 work performed by an offender in an unpaid position with a  
28 nonprofit or tax-supported or government agency for a specified  
29 number of hours of work or service within a given time period.

1       Sec. 603. (1) All prisoners, probationers, and parolees  
2 involved with the electronic tether program shall reimburse the  
3 department for costs associated with their participation in the  
4 program. The department may require community service work  
5 reimbursement as a means of payment for those able-bodied  
6 individuals unable to pay for the costs of the equipment.

7       (2) Program participant contributions and local community  
8 tether program reimbursement for the electronic tether program  
9 appropriated in part 1 are related to program expenditures and may  
10 be used to offset expenditures for this purpose.

11       (3) Included in the appropriation in part 1 is adequate  
12 funding to implement the community tether program to be  
13 administered by the department. The community tether program is  
14 intended to provide sentencing judges and county sheriffs in  
15 coordination with local community corrections advisory boards  
16 access to the state's electronic tether program to reduce prison  
17 admissions and improve local jail utilization. The department shall  
18 determine the appropriate distribution of the tether units  
19 throughout the state based upon locally developed comprehensive  
20 corrections plans under the community corrections act, 1988 PA 511,  
21 MCL 791.401 to 791.414.

22       (4) For a fee determined by the department, the department  
23 shall provide counties with the tether equipment, replacement  
24 parts, administrative oversight of the equipment's operation,  
25 notification of violators, and periodic reports regarding county  
26 program participants. Counties are responsible for tether equipment  
27 installation and service. For an additional fee as determined by  
28 the department, the department shall provide staff to install and



1 service the equipment. Counties are responsible for the  
2 coordination and apprehension of program violators.

3 (5) Any county with tether charges outstanding over 60 days  
4 shall be considered in violation of the community tether program  
5 agreement and lose access to the program.

6 Sec. 608. By April 1, 2010, the department shall report to the  
7 senate and house appropriations subcommittees on corrections, the  
8 senate and house fiscal agencies, and the state budget director on  
9 the use of GPS electronic monitoring. At a minimum, the report  
10 shall include all of the following:

11 (a) Details on the failure rate of parolees for whom GPS  
12 tether is utilized, including the number and rate of parolee  
13 technical violations, including specifying failures due to  
14 committing a new crime that is uncharged but leads to parole  
15 termination, and the number and rate of parolee violators with new  
16 sentences.

17 (b) Information on the factors considered in determining  
18 whether an offender is placed on active GPS tether, passive GPS  
19 tether, radio frequency tether, or some combination of these or  
20 other types of electronic monitoring.

21 (c) Monthly data on the number of offenders on active GPS  
22 tether, passive GPS tether, radio frequency tether, and any other  
23 type of tether.

24 Sec. 611. The department shall prepare by April 1, 2010  
25 individual reports for the community re-entry program, the  
26 electronic tether program, and the special alternative to  
27 incarceration program. The reports shall be submitted to the house  
28 and senate appropriations subcommittees on corrections, the house

1 and senate fiscal agencies, and the state budget director. Each  
2 program's report shall include information on all of the following:

3 (a) Monthly new participants by type of offender. Community  
4 re-entry program participants shall be categorized by reason for  
5 placement. For technical rule violators, the report shall sort  
6 offenders by length of time since release from prison, by the most  
7 recent violation, and by the number of violations occurring since  
8 release from prison.

9 (b) Monthly participant unsuccessful terminations, including  
10 cause.

11 (c) Number of successful terminations.

12 (d) End month population by facility/program.

13 (e) Average length of placement.

14 (f) Return to prison statistics.

15 (g) Description of each program location or locations,  
16 capacity, and staffing.

17 (h) Sentencing guideline scores and actual sentence statistics  
18 for participants, if applicable.

19 (i) Comparison with prior year statistics.

20 (j) Analysis of the impact on prison admissions and jail  
21 utilization and the cost effectiveness of the program.

22 Sec. 612. (1) The department shall review and revise as  
23 necessary policy proposals that provide alternatives to prison for  
24 offenders being sentenced to prison as a result of technical  
25 probation violations and technical parole violations. To the extent  
26 the department has insufficient policies or resources to affect the  
27 continued increase in prison commitments among these offender  
28 populations, the department shall explore other policy options to  
29 allow for program alternatives, including department or OCC-funded

1 programs, local level programs, and programs available through  
2 private agencies that may be used as prison alternatives for these  
3 offenders.

4 (2) To the extent policies or programs described in subsection  
5 (1) are used, developed, or contracted for, the department may  
6 request that funds appropriated in part 1 be transferred under  
7 section 393(2) of the management and budget act, 1984 PA 431, MCL  
8 18.1393, for their operation.

9 (3) The department shall continue to utilize parole violator  
10 processing guidelines that require parole agents to utilize all  
11 available appropriate community-based, nonincarcerative postrelease  
12 sanctions and services when appropriate. The department shall  
13 periodically evaluate such guidelines for modification, in response  
14 to emerging information from the pilot projects for substance abuse  
15 treatment provided under this bill and applicable provisions of  
16 prior budget acts for the department.

17 (4) The department shall provide quarterly reports to the  
18 senate and house appropriations subcommittees on corrections, the  
19 senate and house fiscal agencies, and the state budget director on  
20 the number of all parolees returned to prison and probationers  
21 sentenced to prison for either a technical violation or new  
22 sentence during the preceding calendar quarter. The reports shall  
23 include the following information each for probationers, parolees  
24 after their first parole, and parolees who have been paroled more  
25 than once:

26 (a) The numbers of parole and probation violators returned to  
27 or sent to prison for a new crime with a comparison of original  
28 versus new offenses by major offense type: assaultive,  
29 nonassaultive, drug, and sex.

1 (b) The numbers of parole and probation violators returned to  
2 or sent to prison for a technical violation and the type of  
3 violation, including, but not limited to, zero gun tolerance and  
4 substance abuse violations. For parole technical rule violators,  
5 the report shall list violations by type, by length of time since  
6 release from prison, by the most recent violation, and by the  
7 number of violations occurring since release from prison.

8 (c) The educational history of those offenders, including how  
9 many had a GED or high school diploma prior to incarceration in  
10 prison, how many received a GED while in prison, and how many  
11 received a vocational certificate while in prison.

12 (d) The number of offenders who participated in the MPRI  
13 versus the number of those who did not.

14 (e) The unduplicated number of offenders who participated in  
15 substance abuse treatment programs, mental health treatment  
16 programs, or both, while in prison, itemized by diagnosis.  
17

#### 18 **CONSENT DECREES**

19 Sec. 701. Funding appropriated in part 1 for consent decree  
20 line items is appropriated into separate control accounts created  
21 for each line item. Funding in each control account shall be  
22 distributed as necessary into separate accounts created for the  
23 purpose of separately identifying costs and expenditures associated  
24 with each consent decree.  
25

#### 26 **HEALTH CARE**

27 Sec. 801. The department shall not expend funds appropriated  
28 under part 1 for any surgery, procedure, or treatment to provide or

1 maintain a prisoner's sex change unless it is determined medically  
2 necessary by the chief medical officer of the department.

3       Sec. 804. The department shall report quarterly to the senate  
4 and house appropriations subcommittees on corrections, the senate  
5 and house fiscal agencies, and the state budget director on  
6 prisoner health care utilization. The report shall include the  
7 number of inpatient hospital days, outpatient visits, and emergency  
8 room visits in the previous quarter and since October 1, 2008, by  
9 facility.

10       Sec. 805. The bureau of health care services shall develop  
11 information on Hepatitis C and HIV prevention and the risks  
12 associated with exposure to Hepatitis C and HIV. The health care  
13 providers shall disseminate this information verbally and in  
14 writing to each prisoner at the health screening and full health  
15 appraisal conducted at admissions, at the annual health care  
16 screening 30 days before or after a prisoner's birthday, and prior  
17 to release to the community by parole, transfer to community  
18 residential placement, or discharge on the maximum sentence.

19       Sec. 806. (1) From the funds appropriated in part 1, the  
20 department shall require a Hepatitis C antibody test and an HIV  
21 test for each prisoner prior to release to the community by parole,  
22 transfer to community residential placement, or discharge on the  
23 maximum sentence. The department shall require an HIV test and a  
24 Hepatitis C risk factor screening for each prisoner at the health  
25 screening at admissions. If Hepatitis C risk factors are  
26 identified, the department shall offer the prisoner a Hepatitis C  
27 antibody test. An explanation of results of the tests shall be  
28 provided confidentially to the prisoner, and if appropriate based

1 on the test results, the prisoner shall also be provided a  
2 recommendation to seek follow-up medical attention.

3 (2) By March 1, 2010, the department shall report to the  
4 senate and house appropriations subcommittees on corrections, the  
5 senate and house appropriations subcommittees on community health,  
6 the senate and house fiscal agencies, and the state budget director  
7 on the number of offenders tested and the number of offenders  
8 testing positive for HIV, the Hepatitis C antibody, or both at  
9 prison admission and parole, transfer to community residential  
10 placement, or discharge on the maximum sentence. The department  
11 shall keep records of those offenders testing positive for HIV, the  
12 Hepatitis C antibody, or both at prison admission, parole, transfer  
13 to community residential placement, and discharge. These records  
14 shall clearly state the date each test was performed.

15 (3) As a condition of expenditure of the funds appropriated in  
16 part 1, the department shall keep records of the following:

17 (a) The number of offenders testing positive for the Hepatitis  
18 C antibody who do not receive treatment, by reason for not  
19 participating.

20 (b) The number of offenders achieving a sustained viral  
21 response from Hepatitis C treatment.

22 (c) Cost and duration of treatment by offender.

23 Sec. 807. The department shall ensure that all medications for  
24 a prisoner be transported with that prisoner when the prisoner is  
25 transferred from 1 correctional facility to another. Prisoners  
26 being released shall be provided with a supply of medication to  
27 allow for continuity of care in the community.

28 Sec. 809. The department, in conjunction with efforts to  
29 implement the MPRI, shall cooperate with the MDCH to share data and

1 information as they relate to prisoners being released who are HIV  
2 positive or positive for the Hepatitis C antibody. By April 1,  
3 2010, the department shall report to the senate and house  
4 appropriations subcommittees on corrections, the senate and house  
5 fiscal agencies, and the state budget director on all of the  
6 following:

7 (a) Programs and the location of programs implemented as a  
8 result of the work under this section.

9 (b) The number of prisoners released to the community by  
10 parole, discharge on the maximum sentence, or transfer to community  
11 residential placement who are HIV positive, positive for the  
12 Hepatitis C antibody, or both.

13 Sec. 812. (1) The department shall continue to provide the  
14 department of human services with a monthly list of prisoners newly  
15 committed to the department of corrections. The department and the  
16 department of human services shall enter into an interagency  
17 agreement under which the department of human services provides the  
18 department of corrections with monthly lists of newly committed  
19 prisoners who are eligible for Medicaid benefits. The department  
20 shall assist prisoners who may be eligible for Medicaid benefits  
21 after release from prison with the Medicaid enrollment process  
22 prior to release from prison.

23 (2) The department shall provide the senate and house  
24 appropriations subcommittees on corrections, the senate and house  
25 fiscal agencies, and the state budget director with regular updates  
26 on the utilization of Medicaid benefits for prisoners.

27  
28 **CORRECTIONAL FACILITIES ADMINISTRATION**

1       Sec. 902. From the funds appropriated in part 1, the  
2 department shall allocate sufficient funds to develop a pilot  
3 children's visitation program. The pilot program shall teach  
4 parenting skills and arrange for day visitation at these facilities  
5 for parents and their children, except for the families of  
6 prisoners convicted of a crime involving criminal sexual conduct in  
7 which the victim was less than 18 years of age or involving child  
8 abuse.

9       Sec. 903. Except as otherwise provided in this section, the  
10 department shall prohibit prisoners' access to or use of the  
11 Internet or any similar system. Under adequate supervision and with  
12 security precautions that ensure appropriate computer use by  
13 prisoners, the department may allow a prisoner access to or use of  
14 the Internet for the purposes of educational programming,  
15 employment training, job searches, or other Internet-based programs  
16 and services consistent with programming objectives, efficient  
17 operations, and the safety and security of the institution.

18       Sec. 904. Any department employee who, in the course of his or  
19 her job, is determined by a physician to have had a potential  
20 exposure to the Hepatitis B virus, shall receive a Hepatitis B  
21 vaccination upon request.

22       Sec. 905. (1) The inmate housing fund shall be used for the  
23 custody, treatment, clinical, and administrative costs associated  
24 with the housing of prisoners other than those specifically  
25 budgeted for elsewhere in this bill. Funding in the inmate housing  
26 fund is appropriated into a separate control account. Funding in  
27 the control account shall be distributed as necessary into separate  
28 accounts created to separately identify costs for specific  
29 purposes.



1           (2) Quarterly reports on all expenditures from the inmate  
2 housing fund shall be submitted by the department to the state  
3 budget director, the senate and house appropriations subcommittees  
4 on corrections, and the senate and house fiscal agencies.

5           Sec. 906. The department shall establish a uniform rate to be  
6 paid by public and private agencies that benefit from public work  
7 services provided by special alternative incarceration participants  
8 and prisoners.

9           Sec. 907. The department shall report quarterly to the senate  
10 and house appropriations subcommittees on corrections, the senate  
11 and house fiscal agencies, and the state budget director on  
12 academic/vocational programs. The report shall provide information  
13 relevant to an assessment of the department's academic and  
14 vocational programs, including, but not limited to, the following:

15           (a) The number of instructors and the number of instructor  
16 vacancies, by program and facility.

17           (b) The number of prisoners enrolled in each program, the  
18 number of prisoners completing each program, the number of  
19 prisoners who fail each program, the number of prisoners who do not  
20 complete each program and the reason for not completing the  
21 program, the number of prisoners transferred to another facility  
22 while enrolled in a program and the reason for transfer, the number  
23 of prisoners enrolled who are repeating the program by reason, and  
24 the number of prisoners on waiting lists for each program, all  
25 itemized by facility.

26           (c) The steps the department has undertaken to improve  
27 programs, track records, accommodate transfers and prisoners with  
28 health care needs, and reduce waiting lists.

1           (d) The number of prisoners not paroled at their earliest  
2 release date due to lack of a GED, and the reason the prisoners do  
3 not have their GED.

4           (e) The number of prisoners paroled without a GED.

5           (f) An explanation of the value and purpose of each program,  
6 e.g., to improve employability, reduce recidivism, reduce prisoner  
7 idleness, or some combination of these and other factors.

8           (g) An identification of program outcomes for each academic  
9 and vocational program.

10          (h) An explanation of the department's plans for academic and  
11 vocational programs.

12          Sec. 911. By February 1, 2010, the department shall report to  
13 the senate and house appropriations subcommittees on corrections,  
14 the senate and house fiscal agencies, and the state budget director  
15 the number of critical incidents occurring each month by type and  
16 the number and severity of assaults occurring each month at each  
17 facility during calendar year 2009.